



## MAYOR AND COUNCIL REGULAR MEETING NOTICE & AGENDA

The City of Tucson has a council-manager form of government. Policies are set by the Mayor and Council, who are elected by the people. Policies are carried out by the City Manager, who is appointed by the Mayor and Council. The Mayor and Council decides what is to be done; the City Manager, operating through the entire City staff, does it.

### REGULAR COUNCIL MEETINGS

The Mayor and Council usually meet the first four Mondays of each month in the Mayor and Council Chambers, City Hall, 255 W. Alameda, Tucson, Arizona.

#### 5:30 p.m. session [Order of business]

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| <ul style="list-style-type: none"> <li>• Invocation and Pledge of Allegiance</li> <li>• Presentations</li> <li>• Summary of Current Events</li> <li>• Liquor license applications</li> <li>• Consent Agenda</li> </ul> | <ul style="list-style-type: none"> <li>• Call to the Audience. Individuals may speak up to three minutes. Call to the Audience will be limited to thirty minutes. Speakers may address any matter except items noticed as a Public Hearing.</li> <li>• Public Hearings. Individuals may speak up to five minutes. Each public hearing is limited to one hour.</li> <li>• Other Mayor and Council business as listed on the agenda for the meeting.</li> </ul> |
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Copies of the agenda are available during the meeting. Additionally, the agenda, as well as reference documents, are available in the City Clerk's office prior to each meeting and on the City's web site. : [www.tucsonaz.gov/agdocs](http://www.tucsonaz.gov/agdocs)

Ordinances and resolutions (the laws of Tucson) are considered during regular meetings. Those adopted with the emergency clause and the affirmative vote of five members of the Council take effect immediately. Those adopted without the emergency clause take effect thirty days after passage. Unless the Mayor or a member of the Council requests that an ordinance or resolution be read in full, it is read by number and title only. Routine items are scheduled under the heading of Consent Agenda, which allows a number of actions to occur with a single motion.

To better serve everyone in the community, the Mayor and Council chambers is wheelchair accessible. An assistive listening system for the hearing impaired is in place and closed captioning is available on cable television. A request for reasonable accommodation for persons with disabilities must be made in the City Clerk's Office at least two working days prior to the meeting and can be made by calling 791-4213 or 791-2639 (TDD).

### PARTICIPATION BY THE PUBLIC

As a courtesy to others, please turn off or put in vibrate mode all pagers and cell phones.

To address the Mayor and Council:

- Complete a speaker's card and deposit it in the tray on the podium. Upon being recognized, state your name and address before proceeding.
- Submit written comments to the Mayor and Council (via the City Clerk) prior to and during the meeting.
- Call the Mayor and Council Citizen Comment Line at 791-4700 or write the City's Web Site, [www.tucsonaz.gov/agdocs](http://www.tucsonaz.gov/agdocs). Your comments will be transcribed and distributed to the Mayor and Council.

Persons attending the meeting shall observe rules of propriety, decorum, and good conduct, and refrain from impertinent or slanderous remarks. Violation of this rule shall result in such persons being barred from further audience before the governing body. A copy of the complete rules and regulations may be obtained from the City Clerk.

**Robert E. Walkup – Mayor**  
**Fred Ronstadt – Vice Mayor**

#### Council Members

<b>José J. Ibarra</b>	<b>Ward 1</b>	<b>Shirley C. Scott</b>	<b>Ward 4</b>
<b>Carol W. West</b>	<b>Ward 2</b>	<b>Steve Leal</b>	<b>Ward 5</b>
<b>Kathleen Dunbar</b>	<b>Ward 3</b>	<b>Fred Ronstadt</b>	<b>Ward 6</b>

Revisions to the agenda can occur up to 24 hours prior to the meeting. Contact the City Clerk at 791-4213 (TDD: 791-2639, FAX: 791-4017 or WEB SITE: [www.tucsonaz.gov/agdocs](http://www.tucsonaz.gov/agdocs), 9<sup>th</sup> floor, City Hall, 255 W. Alameda for up-to-date information Monday through Friday, 8:00 a.m. to 5:00 p.m. [holidays excepted]. Live coverage of the meeting is cablecast on Tucson 12 and on Comcast Channel 59 (Mondays only). In addition, replays of the meetings are cablecast on Tucson 12 as follows:  
Tuesdays – 9:00 p.m.                      Wednesdays – 9:00 a.m.                      Sundays – 9:00 a.m.  
VHS tapes of meetings are available at the Tucson Main Library, 101 N. Stone.



# MAYOR & COUNCIL MEETING NOTICE & AGENDA

## REGULAR MEETING

**MONDAY, OCTOBER 18, 2004 – 5:30 P.M.**  
**MAYOR AND COUNCIL CHAMBERS**  
**(CITY HALL, 255 WEST ALAMEDA, TUCSON, ARIZONA)**

**1. ROLL CALL**

**2. INVOCATION AND PLEDGE OF ALLEGIANCE**

INVOCATION – Pastor Ed Nelson, Bethel Baptist Church

PLEDGE OF ALLEGIANCE – The Pledge will be led by Mr. Bob Koehler's 5<sup>th</sup> grade students from Fruchtendler Elementary School

**PRESENTATIONS**

- (a) Proclamation – Proclaiming October 18, 2004 to be Lou Criger Day
- (b) Proclamation – Proclaiming the week of October 24, 2004 to be Arizona Teen Driving Safety Awareness Week
- (c) Presentation by Council Member Dunbar regarding the Ward 3, Five Neighborhood Crime Prevention Block Party.

**3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS**

- (a) Report from City Manager OCT18-04-580 CITY-WIDE

4. CITY MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS

- (a) Report from City Manager OCT18-04-581 CITY-WIDE

5. LIQUOR LICENSE APPLICATIONS

- (a) Report from City Manager OCT18-04-570 CITY-WIDE
- (b) LIQUOR LICENSE APPLICATION(S)

New License(s)

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| (1) WINGSTOP<br>3122 N. Campbell Avenue, Suite 130<br>Applicant: Sheryl A. Hill<br>City #068-04, Ward 3<br>Series #12<br>Action must be taken by: October 31, 2004 | <u>Staff Recommendation</u><br><br>Police: In Compliance<br>DSD: In Compliance<br>Bus. License: In Compliance |
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NOTE: State law provides that for a new license application, "In all proceedings before the governing body of a city...the applicant bears the burden of showing that the public convenience requires and that the best interest of community will be substantially served by the issuance of a license". (A.R.S. Section 4-201)

Person Transfer(s)

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| (2) LA FUENTE RESTAURANT<br>1749 N. Oracle Road<br>Applicant: Carlos D. Portillo<br>City #060-04, Ward 3<br>Series #6<br>Action must be taken by: October 21, 2004 | <u>Staff Recommendation</u><br><br>Police: <b>Review in process</b><br>DSD: In Compliance<br>Bus. License: In Compliance |
| (3) IBT'S<br>616 N. 4th Avenue<br>Applicant: Michael C. Kramkowski<br>City #064-04, Ward 6<br>Series #6<br>Action must be taken by: October 28, 2004               | <u>Staff Recommendation</u><br><br>Police: In Compliance<br>DSD: In Compliance<br>Bus. License: In Compliance            |

NOTE: For a person to person transfer, Mayor and Council may consider the applicant's capability, qualifications and reliability.

**6. CONSENT AGENDA – ITEMS A THROUGH G**

**FOR COMPLETE DESCRIPTION OF ITEMS**  
**SEE ATTACHED CONSENT AGENDA**

Matters listed under the Consent Agenda are considered to be routine and will be enacted by one motion and one vote. There will be separate discussion of these items. If discussion is desired by members of the governing body, that item will be removed from the Consent agenda and will be considered separately.

**7. CALL TO THE AUDIENCE**

At this time, any member of the public is allowed to address the Mayor and City Council on any issue except for items scheduled for a public hearing at the meeting. Speakers are limited to three minute presentations. Speakers must state their name, address, whether they reside in the City of Tucson, whom they represent, and the subject matter. Any person who is representing a person other than themselves and is receiving compensation to influence an action by the Mayor and Council, shall, before speaking, identify themselves as a “retained speaker”. Pursuant to the Arizona Open Meeting Law, individual Council Members may ask the City Manager to review the matter, ask that the matter be placed on a future agenda, or respond to criticism made by speakers. However, the Mayor and Council may not discuss or take legal action on matters raised during "call to the audience".

**8. PUBLIC HEARING: BINGO LICENSE – CONTINENTAL WEST 1 AND 2, 3740 N. ROMERO ROAD, CITY NUMBER 195**

- (a) Report from City Manager OCT18-04-571 W3

CONTINENTAL WEST 1 AND 2, 3740 N. ROMERO ROAD  
Applicant Sandra Hunt, City No. 195

- (b) Hearing

The City Manager recommends that the application be forwarded to the State Tax Commission for approval.

**9. MAGISTRATES: APPOINTMENT OF A LIMITED SPECIAL CITY MAGISTRATE**

- (a) Report from City Manager OCT18-04-584 CITY-WIDE

- (b) Ordinance No. 10065 relating to City Magistrates; appointing \_\_\_\_\_ Limited Special City Magistrate of the City of Tucson; fixing compensation; and declaring an emergency.

**10. ZONING: (C9-04-12) 3MD LAND AND BUILDING – GRANT ROAD, R-2/C-1 TO C-1, CITY MANAGER’S REPORT**

- (a) Report from City Manager OCT18-04-575 W6
- (b) Report from Zoning Examiner dated October 1, 2004
- (c) Request to rezone approximately 0.43 acres from R-2 and C-1 (Medium Density Residential and Low-intensity Commercial) to C-1 (Low-intensity Commercial) zoning. Applicant: William Podolsky on behalf of the property owner 3MD Land and Building, LLC.

The rezoning site is located on the southeast corner of Grant Road and Margaret Avenue. The preliminary development plan is for a single-story, 7,936 square foot medical office on 0.87 acres.

Planning Considerations: The proposed development is consistent with and supported by the policies provided in the *Blenman Vista Neighborhood Plan*, the *University Area Plan* and the *General Plan*. Authorization of the requested C-1 zoning is appropriate subject to compliance with the attached recommended conditions.

The Zoning Examiner recommends approval of the C-1 zoning. The City Manager recommends approval of the C-1 zoning subject to the following conditions:

1. A development plan in substantial compliance with the preliminary development plan dated June 10, 2004, and the Design Compatibility Report, is to be submitted and approved in accordance with Section 5.3.8. of the *Land Use Code*.
2. The owner/developer shall dedicate or verify the existence of right-of-way as shown on the *Major Streets and Routes Plan*, including applicable intersection widening along the site frontage abutting Grant Road.
3. The owner/developer shall dedicate a 25-foot radius spandrel at the southeast corner of Grant Road and Margaret Avenue.
4. The owner/developer shall construct sidewalks along Grant Road a minimum of six feet wide and a minimum of four feet wide along Margaret Avenue.
5. The owner/developer shall construct concrete curb along the site frontage on Margaret Avenue with a 25-foot radius curb return and an access ramp to connect to the Grant Road curb.

6. All existing curb cuts not used for vehicular access shall be closed.
7. The access drive on Margaret Avenue shall be designed to direct exiting vehicles to turn right to Grant Road.
8. A “right turn only” sign shall be posted at the exit on Margaret Avenue.
9. The site shall be designed to require solid waste removal vehicles to access the site from Grant Road only, exiting on to Margaret Avenue northbound if necessary.
10. The building shall be limited to one-story and a maximum of 27 feet in height measured to the top of the parapet or the highest point of a pitched roof.
11. The building shall be designed with four-sided architecture. Façades at the rear and sides of the structure shall be designed with attention to the architectural character and detail comparable to the front façade. Each elevation shall be designed to reduce the visual mass of the building incorporating indentations, offsets, and articulations as appropriate. The roofline shall be varied.
12. All exterior mechanical equipment shall be screened from view from adjacent development and street frontages, and shall be architecturally integrated into the overall design of the development.
13. Fully dimensioned, colored elevation drawings shall be submitted with the development plan.
14. Free standing signs shall be incorporated into the landscape plan, and the sign materials and colors shall be consistent with the overall design scheme of the development. Sign details shall be submitted at the time of development plan review.
15. The developer shall notify and conduct a meeting with property owners within 300 feet of the rezoning site, and representatives of the Blenman Elm Neighborhood Association, to review the proposed development plan. Review to include all building elevations, colors, and signage. Meeting to be scheduled no sooner than 30 days prior to the submittal of a development plan to the City of Tucson Community Design Review Committee (CDRC). Submittal of development plan to the City of Tucson shall include documentation of this meeting, including names of attendees, and minutes of the meeting.

16. All outdoor lighting should be full cut-off, and it shall be directed down and shielded away from adjacent residential parcels and public roadways. Lighting details shall be submitted as part of the Development Plan.
17. All walls visible from a public right-of-way and/or adjacent to existing residential development, are to be graffiti-resistant and incorporate one (1) or more visually appealing design treatments, such as the use of two (2) or more decorative materials like stucco, tile, stone, or brick; a visually interesting design on the wall surface; varied wall alignments (jog, curve, notch, setback, etc.); and/or trees and shrubs in voids created by the wall variations.
18. Four (4) inch fence block shall not be used for perimeter walls.
19. An archaeological assessment and survey shall be performed by a qualified archaeologist before any grading or other ground modification takes place. If cultural features or remains are found, testing and data recovery shall be completed as needed. Copies of testing plans, testing reports, data recovery plans and final reports shall be submitted to and approved by the City Historic Preservation Office prior to construction work commencing. If, during construction, human remains and associated burial items are discovered, ground disturbing activities in the vicinity of the discovery will cease, the discovery site will be secured, and the Arizona State Museum will be immediately notified as required under A. R. S. 41-865.
20. All outdoor pole and building lighting shall be full cut-off lighting - directed down and away from residential parcels and public roadways.
21. "Safe by Design" concepts shall be incorporated in the subdivision plat for review by the Tucson Police Department.
22. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
23. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of rezoning.

Six (6) written approvals and three (3) written protests were received prior to the Zoning Examiner's public hearing on September 16, 2004. One (1) of the protests is within the 150 foot area, representing a 10.66 percent protest by area to the south, less than one percent protest by area to the west, and zero protest by area to the north and east.

A simple majority vote will be necessary to adopt an ordinance rezoning the subject property once the conditions of rezoning are met.

**11. ZONING: (C9-04-16) RGA PROPERTIES – 22<sup>ND</sup> STREET C-1 TO C-2, CITY MANAGER’S REPORT**

- (a) Report from City Manager OCT18-04-576 W2
- (b) Report from Zoning Examiner dated October 1, 2004
- (c) Request to rezone approximately 0.5 acres from C-1 (Low-intensity Commercial) to C-2 (General Commercial) Applicant: Jim Portner of Projects International, Inc., on behalf of the property owner, Cliff Cutler of RGA Properties.

The rezoning site is located on the northwest corner of 22<sup>nd</sup> Street and Sherwood Village Drive. The preliminary development plan proposes to use the existing vacant building and site improvements for uses such as commercial storage, business supply and equipment wholesaling and food and beverage wholesaling.

Planning Considerations: The applicant’s request is in general compliance with *Pantano East Area Plan* and the *General Plan*.

The Zoning Examiner recommends approval of the C-2 zoning. The City Manager recommends approval of the C-2 zoning subject to the following conditions:

- 1. A development plan in substantial compliance with the preliminary development plan dated June 30, 2004, and the Design Compatibility Report, is to be submitted and approved in accordance with Section 5.3.8. of the *Land Use Code*.
- 2. Outdoor storage and display for permitted land uses is prohibited.
- 3. The development plan submitted for review by the Community Design Review Committee (CDRC) shall include a landscape plan indicating on-site landscaping and screening requirements after right-of-way acquisition.
- 4. A minimum of two (2) 15 gallon canopy trees shall be installed along the west property line.
- 5. All walls visible from a public right-of-way and/or adjacent to existing residential development, are to be graffiti-resistant and incorporate one (1) or more visually appealing design treatments, such as the use of two (2) or more decorative materials like stucco, tile, stone, or brick; a visually interesting design on the wall surface; varied wall alignments (jog, curve, notch, setback, etc.); and/or trees and shrubs in voids created by the wall variations.



6. Four (4) inch fence block shall not be used for perimeter walls.
7. An archaeological assessment and survey shall be performed by a qualified archaeologist before any grading or other ground modification takes place. If cultural features or remains are found, testing and data recovery shall be completed as needed. Copies of testing plans, testing reports, data recovery plans and final reports shall be submitted to and approved by the City Historic Preservation Office prior to construction work commencing. If, during construction, human remains and associated burial items are discovered, ground disturbing activities in the vicinity of the discovery will cease, the discovery site will be secured, and the Arizona State Museum will be immediately notified as required under A. R. S. 41-865.
8. All outdoor pole and building lighting shall be full cut-off lighting - directed down and away from residential parcels and public roadways.
9. "Safe by Design" concepts shall be incorporated in the subdivision plat for review by the Tucson Police Department.
10. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
11. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of rezoning.

Two (2) written approvals and zero written protests were received prior to the Zoning Examiner's public hearing on September 16, 2004.

A simple majority vote will be necessary to adopt an ordinance rezoning the subject property once the conditions of rezoning are met.

## **12. APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES**

- (a) Report from City Manager OCT18-04-579 CITY-WIDE

## **13. ADJOURNMENT**

The next regularly scheduled meeting of the Mayor and Council will be held on Monday, October 25, 2004, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 W. Alameda, Tucson, Arizona.